



Operating Procedure

Effective Date November 1, 2014	Number 830.5
Amended	Operating Level Department
Supersedes Operating Procedure 830.5 (7/1/12)	
Authority COV §53.1-21	
Subject TRANSFERS, FACILITY REASSIGNMENTS	
ACA/PREA Standards 4-4444; 4-APPFS-2C-04; §115.42, §115.43, §115.68	
Incarcerated Offender Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	FOIA Exempt Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> #2 No <input type="checkbox"/>
Office of Primary Responsibility Director of Offender Management Services	

I. PURPOSE

This operating procedure governs offender requests for and management of offender transfers and reassignments for offenders incarcerated in Department of Corrections institutions.

II. COMPLIANCE

This operating procedure applies to all institutions operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Annual Review - A uniform yearly review of an offender's needs and objectives; the Initial Classification Date (ICD) is used to establish the review date for an offender received on or after February 1, 2006. The Custody Responsibility Date (CRD) is used to establish the review date for an offender received prior to February 1, 2006.

Central Classification Services (CCS) - Staff members from the Offender Management Services Unit who review certain recommendations made by the Institutional Classification Authority, and render a final decision regarding offender status and assignments.

Cognitive Therapeutic Community (CTC) - A structured, residential substance abuse treatment program that incorporates cognitive and behavioral programming to aid in the recovery from alcohol and other drug addictions

Detainer - Any form of legal hold placed on an offender by another jurisdiction, where the effect is that an offender will not be released upon completion of confinement, because that jurisdiction intends to take physical custody of the offender. A legal hold may be filed by federal, state, or local authorities and shall include: *Detainers* for arraignment or prosecution of untried charges; *Judgment & Commitment Orders* for an un-served sentence; *Non-Detainer Holds* to serve the balance of a sentence subsequent to escape, or revocation of parole/probation; or any form of *Notify or Hold Request* filed by the U.S. Immigration & Customs Enforcement (ICE).

Emergency Transfer - Temporary movement found necessary to protect offenders and staff from imminent danger of physical harm, to prohibit offenders from destruction of State property, and/or escape.

Facility Reassignment (Transfer) - The physical movement of an offender from the custody of one facility to the custody of another facility within the purview of the Department of Corrections and local jail facilities

High Risk Sexual Victim (HRSV) - As identified by the *Classification Assessment* and QMHP assessment, any incarcerated offender confirmed as a sexual victim or identified as being at high risk of being sexually victimized

Initial Classification Date (ICD) - The date on which the offender was initially assigned to a Security Level

Institutional Classification Authority (ICA) - The facility staff person designated to conduct offender case review hearings.

Local Jail Work Release - A program operated by local and regional jails under contract with the Department of Corrections to provide work release opportunities for state offenders in the locality where they will be released after incarceration.

Parole Board Recommendation - The Parole Board may recommend an offender for work release participation in lieu of granting parole. Recommendations are reviewed administratively by Central Classification Services.

Protective Custody - A classification status and form of custodial management for offenders requesting or requiring separation from other offenders as a result of their personal security needs

Protective Custody Unit - A special purpose general population housing unit designated by the Director for offenders classified as requiring separation from other offenders as a result of their personal security needs. Offenders requesting and requiring assignment to a protective custody unit may be managed in General Detention and Segregation, as appropriate, pending assignment and transfer.

Sheriff Requested Home Electronic Monitoring (HEM) - The Code of Virginia (§53.1-131.2, paragraph C) does not grant Department of Corrections the authority to operate an HEM program or approve offenders for such a program. However, at the request of the jail, state responsible offenders can be assigned to a local jail and the Sheriff or Jail Administrator can then approve them for HEM status. Offenders are not eligible to earn good conduct credit when on HEM status.

Sheriff Requested Work Release - A Sheriff/Jail Administrator may request in writing that a state responsible offender, housed in a DOC facility or at a jail, be permanently assigned to the jail's work release program. Jails sign a one-time work release contract with DOC.

Steps to Achieve Reintegration (STAR) Program - A DOC program operated at a designated DOC institution for offenders who motivated by an unspecific fear refuse to leave segregation and enter general population

IV. PROCEDURE

A. Except where otherwise specified in this operating procedure, all facility transfers should be coordinated through the Transportation Section, Central Classification Services.

B. Offender Requested Transfer

1. General population offenders (other than Youthful Offenders, Protective Custody offenders, and those sentenced to Death Row) may request a transfer during their Annual Review to equal security level facilities provided the level does not change.
2. Offenders requesting transfers must meet the following criteria:
 - a. Must be assigned to a General Population setting
 - b. Must have been at present assignment for a minimum of one year
 - c. Must be currently assigned to Security Level 1, 2, 3, or 4
 - d. Must be GCA (Good Conduct Allowance) or ESC (Earned Sentence Credit) I or II; GCA L-1 or L-2, for lifers; GCA V-1 or V-2, or have earned an equivalent point score under the GCT (Good Conduct Time) system.
 - e. Must not have been convicted of any facility infractions within the past twelve months
 - f. Must not have been convicted of an infraction code 100 through 108 or 198, related to any 100-108 codes within the past twenty-four months
3. Offenders, whose security level is reduced as the result of Annual Review, will usually be transferred to an appropriate facility according to their newly assigned security level.
 - a. Offender preferences for transfer should be noted in *Comments*. The ICA should select the institutional assignment in the Action Type - Transfer section of the classification action in

VACORIS and escalate to Central Classification Services (CCS) for review and final decision, if necessary.

- b. Transfers as the result of security level reviews at the time of Annual Review do not require due process or a formal review.
 - c. Offender requests for transfer to preferred locations must give way to considerations of space, security, and program availability.
- C. Common Fare Diet Transfers - Requests for transfers from facilities that do not offer the Common Fare Diet will be escalated to CCS for assignment to an appropriate facility.
- D. Work Release - see Attachment 2 for DOC Women's Work Release Program
1. Offenders who meet all eligibility criteria may request assignment to work release at the time of their annual review, or may be administratively reviewed at the discretion of the facility based upon pending date of release, provided the offender meets all other criteria. (4-4444; 4-APPFS-2C-04)
 2. The facility ICA will review requests in accordance with Eligibility Criteria and Suitability Criteria below.
 3. Requests will be submitted, via VACORIS, to CCS for review and final decision.
 4. Eligibility Criteria - Offenders must meet each of the following criteria to be reviewed for work release participation:
 - a. Criminal Offense History - Prior and/or current offenses must be non-violent. Offenders serving time for, or who have an offense history involving any of the following felony offenses are not eligible for work release:
 - i. Homicide/Murder - [§18.2-30](#)
 - ii. Abduction/Kidnapping - [§18.2-47](#)
 - iii. Sex Related Crimes - [§18.2-61](#)
 - iv. Robbery - [§18.2-58](#)
 - v. Felonious Assault, Unlawful Wounding, Malicious Wounding, Maiming - [§18.2-51](#)
 - vi. Carjacking - [§18.2-58.1](#)
 - vii. Mob related offenses - [§18.2-38](#)
 - b. Release Criteria - Release criteria vary depending on whether an offender is reviewed for Local Jail Work Release or for Sheriff Requested Work Release.
 - i. Local Jail Work Release criteria
 - (a) Offenders must be within 14 months of their Good Time Release Date or Mandatory Release Date with a minimum of 8 months left to serve on their sentence.
 - (b) Offenders approved for work release, Corrections Construction (CCU) and Environmental Services (ESU) are not required to complete the Re-Entry Program classes. Work Release, CCU and ESU are considered programs which provide job skills.
 - ii. Sheriff Requested criteria - offenders housed in the DOC must be within 24 months of their release date.
 - c. Escape History
 - i. There should be no history of escape or attempted escape from incarceration during the last five years of incarceration.
 - ii. Offenders who have had two or more escapes, or attempted escapes, from incarceration within the past ten years of incarceration are not eligible.
 - iii. Incarceration includes any state or federal prison; local/regional jail or detention facility; or other place where a prisoner is involuntarily confined pursuant to court order. Years of incarceration do not have to be consecutive years.
 - d. Security Level - Offenders must be assigned to Security Level I.
 - e. Good Time Earning Level - Offenders should be assigned to good time Class Level I or the equivalent. Central Classification Services, during administrative reviews, may waive this

criterion if an offender meets all other eligibility and suitability criteria.

- f. Medical/Mental Health
 - i. Offenders on maintenance medication for high blood pressure, epilepsy, diabetes, etc. may be considered after consultation with facility medical staff to determine an offender's ability to function in a work setting away from immediate medical services.
 - ii. Facility medical staff should review each case to insure medical codes are correct and that there are no pending appointments, surgeries, or mental health or dental problems that could prevent assignment at that time.
 - g. Detainer - Offenders should have no active detainers.
 - h. Program Violations - Offenders removed from work release due to a program violation will not be eligible to reapply for work release for a period of 12 months after the date of removal. Offenders removed due to a criminal conviction committed while assigned to work release are ineligible to reapply during the remainder of their sentence per COV §53.1-62.
 - i. Must be eligible to work in the United States
 - j. Currently assigned to work under unarmed supervision outside the security perimeter for at least the last six months. All work release recommendations by the ICA shall indicate that the applicant has successfully completed six months of outside work under unarmed supervision. Preferential consideration for work release will be given for offenders who are assigned to a Work Center.
5. Suitability Criteria - The following evaluation criteria should be used when making final decisions for assignment to work release. Consideration should be given to the listed objective risk assessment factors when considering ability to abide by program expectations and level of risk to the public.
- a. Severity and total number of current and prior criminal convictions (misdemeanor assaults within the prior five years may disqualify an offender from acceptance).
 - b. Length of time in minimum security and good time class level
 - c. Drug/alcohol abuse history (several jail programs will not accept offenders with "drug distribution" convictions).
 - d. Program participation and performance during incarceration (e.g. GED, NA)
 - e. Facility work history and employment stability prior to incarceration
 - f. Previous probation/parole supervision adjustment
 - g. Previous adjustment in work release or other community release program
 - h. Consideration should be given to any significant adverse public sentiment to the offender's presence in the community. This may be gauged by specific objections that may be expressed by prosecuting attorneys, courts, local law enforcement officials, victims, or others.
6. Offender Requests - Offenders meeting the eligibility criteria may request Local Jail Work Release through the facility counselor during the annual review per Operating Procedure 830.1, *Facility Classification Management*.
- a. Requests may be considered outside the annual review at the discretion of the facility, particularly in cases where the offender's release precludes any future annual review.
 - b. Offenders should inform their counselor of a release plan location, so a determination can be made about the availability of a work release program in that locality.
 - c. The Work Release Quick Reference that lists participating jails and any special criteria is available for facility staff to discuss with offenders. (contact CCS)
7. Referral Process - Referrals may be made by facility staff, the Virginia Parole Board, Sheriff, Jail Administrator, through the Pre-Release Program, or administratively by Central Classification Services (CCS).
- a. Facility referrals for Local Jail Work Release are made via established review procedures of the offender's eligibility and suitability. Administrators may refer offenders for review outside the

- annual review. Facility recommendations are forwarded to CCS for final review. These recommendations should include:
- i. Release Plan location
 - ii. Name and phone number of the prospective employer if this is determined to be necessary
 - iii. Current Progress Report
- b. Sheriff/Jail Administrator referrals are written requests to the Director of Offender Management Services (OMS). Jails may request that state offenders, housed in a jail or a DOC facility, be assigned to the jail for the purpose of work release. OMS staff administratively reviews the case with the final decision resting with the Director of Offender Management Services.
- c. Parole Board referrals for Local Jail Work Release are made via letter to the Offender Management Services. CCS staff administratively review the case and make an appropriate decision. Prior to approval, CCS will obtain a recommendation from the facility.
- d. Administrative referrals may be made at any time by CCS in order to manage bed space. Prior to final approval, CCS will obtain a recommendation from the facility.
8. Work Release Agreements:
- a. Jails are provided a Work Release Program Manual upon initial agreement and as needed when changes occur.
 - b. DOC/Jail Work Release Agreements, for Sheriff Requested placements, should be signed by the current Sheriff or Jail Administrator.
 - c. Offenders approved for Local Jail Work Release participation must review and sign the [Offender Work Release Agreement](#) 830_F2 prior to transfer to a jail.
9. Pre-Program Placement Counseling - Offenders approved for work release should be given individual counseling at the current location prior to transfer.
- a. Offenders should be notified of the following:
 - i. Offenders are governed by jail rules and regulations, not DOC operating procedures.
 - ii. Offenders are responsible for paying their own medical costs while on work release.
 - iii. Offenders, once placed at a jail, do not have the option to request transfer to a different jail. Transfers between jails will only be made when there is no available employment at the assigned jail or an enemy situation exists.
 - iv. Offenders may be returned to a higher security facility if removed from work release by the jail.
 - v. Time will continue to be computed by DOC.
 - vi. Offenders should be given a list of allowable personal property items for their assigned jail. Unauthorized property should be disposed of prior to transfer in accordance with Operating Procedure 802.1, *Offender Personal Property*.
 - b. Counselors should assist the offender in obtaining necessary documents for employment, to include a valid Social Security Card ([Social Security Administration forms](#)) and Birth Certificate ([Office of Vital Records forms](#)). **In no case will an offender who is ineligible to work in the United States be transferred to work release.** Facility staff will ensure that the *Virginia Criminal Justice Agency Offender Information Form* is completed. This form will be accepted by the Virginia Department of Motor Vehicles as a primary proof of residency and as a secondary proof of identity, so that offenders can obtain a DMV identification card.
 - c. The offender must submit to a drug test and test negative prior to transfer. Test results and date taken should be documented in the "Dummy" file.
10. Notifications - In accordance with COV §53.1-160, Classification Services Section will send a fifteen day written notification to the Sheriff, Chief of Police and Commonwealth's Attorney of the jurisdiction in which the work release facility is located. If an offender is transferred to another work release site, the Central Classification Services will reissue the fifteen day notification to the new locality. The DOC Victim Services Unit will initiate victim notifications in accordance with

- COV §53.1-160., B., iii. Offenders approved may be transferred any time after CCS approval; however, offenders should not be permitted to work in the community until fifteen calendar days have elapsed from the postmark of such notice.
11. Offender Records - Facility and medical “dummy” files shall be prepared in accordance with Operating Procedure 050.3, *Facility Release of Offenders*
 12. Transfer Processing - All transfers to jail work release programs are coordinated through the Central Transportation Section. Prior to transfer to a work release assignment, facility staff should ensure that:
 - a. Property - Only property on the Jails’ Allowable Personal Property list is sent with an offender to the jail. All other property should be disposed of in accordance with Operating Procedure 802.1, *Offender Personal Property*.
 - b. Dummy Files - The “dummy” files are complete per Operating Procedure 050.3, *Facility Release of Offenders*.
 - c. Medications - Medical staff will provide a supply of medications in accordance with Operating Procedure 720.5, *Pharmacy Services*.
 - d. Transfer Clothing - Male offenders will be provided with, and transferred in, DOC standard release clothing, per Operating Procedure 050.3, *Facility Release of Offenders*, to include work boots or shoes appropriate for a work environment. Female offenders shall be released in the standard “blue” clothing (offenders may be released with personal tennis/athletic shoes or work boots).
 - e. Offender Funds - Offenders will be provided all funds credited to their Trust Account, per Operating Procedure 050.3, *Facility Release of Offenders*. Since offenders are not being released from incarceration, facilities DO NOT need to supplement offender funds to meet the \$25.00 Discharge Allowance. A check, in the amount of funds currently available, will be made out to the receiving jail and be included in the offender’s dummy file sent with the transporting officer. Any additional funds posted after the offender’s release should be forwarded to the appropriate jail upon closure of the Trust Account.
 13. Supervision
 - a. Offenders will be supervised by jail work release staff and will be required to abide by all rules, regulations and program criteria of the Jail. This includes job checks, drug screening, transportation to and from work, visitation, recreation, discipline, etc. as directed by jail staff.
 - b. Offender attendance at funerals or deathbed visits will be in accordance with Jail policies and procedures.
 - c. General care such as food, clothing, and routine health services will be provided in accordance with 6VAC15-40, *Minimum Standards for Jails and Lockups*.
 14. Financial Obligations - Offenders participating in work release programs will be responsible for making payments from their work release wages to defray the cost of judicial or administrative support orders; fines, restitution, or costs as ordered by the Court; and expenses associated with work release supervision/programs in accordance with COV §53.1-131:
 - a. Offenders will be informed of fees associated with the above obligations by jail staff upon transfer to a work release program. Payment priorities, amounts to be applied, and methods of payment will be in accordance with local jail policies and procedures.
 - i. Priority 1 - Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order.
 - ii. Priority 2 - Pay any fines, restitution or costs as ordered by the court.
 - iii. Priority 3 - Pay travel and other such expenses made necessary by the offender’s work release employment or participation in educational or rehabilitative programs, including the sums specified in COV §53.1-150.
 - iv. Priority 4 - Defray the offender’s keep.

- b. The remaining balance will be credited to the offender's jail account.
 - 15. Medical Services - Offenders will be provided with medical care in accordance with jail policies and procedures.
 - a. Routine medical care requires a co-payment, like in DOC facilities. Since offenders are working and receiving wages, many jails also require full payment for routine medical costs (i.e. doctor's visits, medications, etc.). Offenders will be informed of the jail policy upon arrive to the jail.
 - b. Emergency or critical medical care will be provided by the jail at the time of the occurrence. Jails should immediately notify the DOC Health Services Unit of such situations so that a determination can be made to retake the offender for continued medical care within the DOC and/or to provide reimbursement to the jail for medical costs incurred.
 - 16. Parole Review/Progress Reports - Work release offenders with a parole eligibility date are subject to review by the Parole Board. Often, a satisfactory adjustment in work release status will result in Discretionary Parole Release prior to the offender's Mandatory Release Date.
 - a. After four full months of satisfactory participation in work release, Jail staff, at their discretion, may submit a progress report to the Va. Parole Board for review. A progress report to the Parole Board is not necessary for offenders with a Good Time Release Date (GTRD).
 - b. If an offender is denied parole, Jail staff should immediately review the offender's suitability for continuation on work release. Offenders recommended for program removal will receive a due process hearing at the jail prior to return to the DOC. Transfer of offenders determined to be unsuitable for continuation in work release should be coordinated through the DOC Central Transportation Section.
 - 17. Program Violations/Removals - Offenders who violate program rules and regulations, or commit a crime while on work release, will be removed from the program by the jail. Appropriate disciplinary and/or criminal proceedings will be implemented in accordance with established jail rules and regulations.
 - a. Offenders removed from work release are not eligible to reapply for twelve months after the date of removal. If removed due to committing a new criminal offense while on work release, an offender is not eligible for consideration during the current incarceration per COV §53.1-62.
 - b. Jails should immediately notify DOC Central Transportation Section of a program violation, so the offender can be scheduled for retake upon completion of any disciplinary hearing conducted by the jail.
 - c. Documentation of the inappropriate behavior and any charges (disciplinary and/or criminal) should accompany the offender when returned to the DOC. Jails have the authority and are encouraged to reduce Class Levels when appropriate as part of the jail's disciplinary process.
 - d. The receiving facility will conduct a formal due process review of assignment, security level, and Class Level, based on documentation received from the jail.
 - e. Any wages received by the Jail after DOC retake will be forwarded to the offender's current DOC facility.
 - 18. Release Processing - Jails will assist offenders who have been granted parole or are being released on a Good Time Release Date with release transportation if requested by the offender.
 - 19. Appeals - Offenders may appeal decisions relating to the Facility or Central Classification Services approval or disapproval for program participation through the established DOC offender grievance process. Appeals of Jail operation or supervision issues must be submitted via the Jail's established grievance process.
- E. Protective Custody
- 1. Designation of Protective Custody Units
 - a. The Department of Corrections Director or designee shall determine the location of Protective Custody Units and the number of beds assigned for that purpose.

- b. The Facility Unit Head should designate the specific beds within the facility allocated to protective custody use.
- c. Protective custody units may be double celled or double bunked as needed for population management.
2. An offender may declare a need for protection at any time.
 - a. After thorough investigation, the facility administration may request an offender's transfer to the Protective Custody Unit, if deemed appropriate.
 - b. The facility(s) maintaining a Protective Custody Unit may be at a higher security level than that which the offender is currently assigned.
 - c. Offenders assigned to the Protective Custody Unit will be designated as security level P.
3. Classification To Protective Custody Units - The ICA under provisions of Operating Procedure 830.1, *Facility Classification Management*, should reach a decision for a protective custody assignment based on substantial, credible information, and after investigation as per Operating Procedure 830.6, *Offender Keep Separate Management*, which confirms the need for protective custody. For example, the offender:
 - a. Has multiple documented enemies
 - b. Documented former law enforcement or criminal justice
 - c. Documented testimony against gang or other crime organization
 - d. High Risk Sexual Victim (HRSV) or Sexual Abuse Victim (added 8/13/13)
 - i. The facility shall make individualized determinations about how to ensure the safety of each offender. (§115.42[b])
 - ii. In deciding whether to assign a transgender or intersex offender to a Protective Custody Unit, the facility shall consider on a case-by-case basis whether this placement would ensure the offender's health and safety, and whether the placement would present management or security problems. (§115.42[c])
 - iii. A transgender or intersex offender's own views with respect to their own safety shall be given serious consideration. (§115.42[e])
4. Offenders should be managed in accordance with Operating Procedure 425.4, *Management of Bed and Cell Assignments*, and Operating Procedure 861.3, *Special Housing*, pending review for protective custody assignments. Offenders may be placed in segregation at the discretion of the ICA upon a determination that such placement is appropriate for the security needs of the offender.
5. Offenders identified as HRSV or offenders alleged to have suffered sexual abuse should not normally be placed in segregation without their consent by the ICA unless it has been determined that there is no available alternative means of separation from likely abusers. (see Operating Procedure 425.4, *Management of Bed and Cell Assignments*) (§115.43[a], §115.68)
 - a. The ICA must clearly document on the *Institutional Classification Authority Hearing* report the basis for the institution's concern for the offender's safety and the reason why no alternative means of separation can be arranged. (§115.43[d], §115.68)
 - b. Involuntary assignment to Segregation shall only be made until an alternative means of separation from likely abusers can be arranged. (§115.43[c], §115.68)
 - c. This assignment to segregation shall not ordinarily exceed a period of 30 days (§115.43[c], §115.68)
 - d. Mental Health staff shall advise the ICA on whether the offender can be released to General Population or whether they must be assigned to Segregation and/or transferred to the DOC Protective Custody Unit. (§115.43[c], §115.68)
 - e. The Regional PREA Analyst must be notified of this assignment and kept informed of any changes in the offender's status. (§115.43[a], §115.68)
6. Offenders with documented aggressive behavior or other potential for causing management problems

- should not be classified to a specialized Protective Custody Unit. They should be considered for other alternatives that meet their protective custody needs without endangering the safety of staff or other offenders.
7. Requests will be submitted via VACORIS to CCS for review and final decision. Offenders should not be moved from a general population or segregation assignment to a Protective Custody Unit without the approval of the CCS.
 8. CCS may assign an offender to the Protective Custody Unit for one or more of the following reasons:
 - a. Enemy claims, whether offender or administrative, have been approved by CCS in accordance with Operating Procedure 830.6, *Offender Keep Separate Management*.
 - b. The offender's background, crimes, lifestyle, behavior, etc. indicates a high likelihood he will be preyed upon by other offenders in a general population setting
 9. The following information should be provided in the *Institutional Classification Authority Hearing* report:
 - a. The reason the offender is in need of protective custody
 - b. How long the offender has been in segregation for his protection
 - c. Any charges the offender has received while in segregation for protection
 - d. Any other documentation that would provide CCS with information to assess the facility's request for an assignment to the Protective Custody Unit
 10. General Provisions of Protective Custody Units (§115.43[b], §115.68)
 - a. To the extent feasible, Protective Custody Units should provide programs and services similar to those available to general population offenders.
 - b. Institutions operating Protective Custody Units should develop Local Operating Procedures to specify the services and programs that will be available to protective custody offenders. Procedures should generally address the following programs and services:
 - i. Orientation
 - ii. Personal Property
 - iii. Visitation
 - iv. Legal Services/Law Library
 - v. Commissary purchases
 - vi. Education
 - vii. Medical Services
 - viii. Telephone Calls
 - ix. Work Assignments
 - x. Exercise
 - xi. Counseling
 - xii. Correspondence
 11. Classification Reviews
 - a. Assignment to a Protective Custody Unit is a specialized general population housing status. Offenders housed in a Protective Custody Unit should have an annual review of their Good Time Class Level with an updated Reentry Case Plan and Home Plan. Security level and transfer requests should not be considered.
 - b. Protective custody offenders who become disruptive should be assigned to the facility's regular segregation unit in accordance with Operating Procedure 425.4, *Management of Bed and Cell Assignments*, and Operating Procedure 861.3, *Special Housing*.
 - c. An offender may be referred administratively to the Institutional Classification Authority (ICA) for transfer out of the Protective Custody Unit if the facility determines that the subject can no longer be managed in the PC Unit or that the threat to the offender's safety no longer exists.
 - i. All facility recommendations will be forwarded to Central Classification Services via

VACORIS for a final decision.

ii. If approved, the offender will be assigned to an appropriate security level and facility.

12. Enemies within the Protective Custody Unit

- a. Offenders who claim enemies within the Protective Custody Unit must report and identify these enemies in accordance with Operating Procedure 830.6, *Offender Keep Separate Management*.
- b. Enemy claims should be evaluated for validity by CCS. This requirement is an additional precaution that applies only to Protective Custody Units.
- c. The Protective Custody Unit should take reasonable steps to separate enemies pending CCS decision.

F. Substance Abuse Cognitive Therapeutic Community Transfer

1. Offenders may be administratively assigned and required to participate in a Substance Abuse Cognitive Therapeutic Community (CTC) upon determination that such an assignment is appropriate. Failure to participate will be justification for Class IV per COV §53.1-200.
 - a. Offenders who refuse to participate in the CTC program or whose behavior warrants removal from the program as a result of their non-compliant or disruptive behavior will be reviewed by the *Cognitive Community Treatment Team* for removal.
 - b. In accordance with Operating Procedure 861.1 *Offender Discipline, Institutions* a member of the treatment team shall charge the offender with Offense Code 119e *Refusal to participate in or removal from a residential cognitive community program*.
 - c. Offenders found guilty of Offense Code 119e shall be referred to the Institutional Classification Authority (ICA) for a formal hearing to address the offender's removal from the TC program, assignment to Class IV., review of Security Level, and appropriate facility assignment.
 - d. Offenders determined to be physically or mentally incapable of CTC participation will be referred to the ICA with documentation from the Facility Physician or QMHP for program removal without sanctions.
 - e. ICA recommendations for CTC program removal shall be submitted to CCS for final review and approval.
2. Offenders may request a CTC transfer at an Annual Review.
3. The offender's counselor may initiate a referral to a Therapeutic Community at any time after determining the offender's suitability for participation.
4. The facility ICA will review CTC transfer requests in accordance with the *CTC Eligibility and Suitability Criteria* listed below. Offenders must meet the institution's requirements as listed in the [Institutional Assignment Criteria](#) which can be found on the Virtual Library
5. CTC Transfer requests should be submitted via VACORIS to CCS for review and a final decision. Requests for Lawrenceville CTC must also be accompanied by the *LVCC New Hope Therapeutic Community Admissions Contract* (see Attachment 1). CCS will determine eligibility and suitability for assignment to the particular facility and will have final authority for approval or disapproval.
6. If approved for participation, CCS will affect the necessary transfer order.
7. CCS disapproval will be noted on the Institutional Classification Authority Hearing Report.
8. CTC Eligibility and Suitability Criteria
 - a. Indian Creek Correctional Center (ICCC) (males)
 - i. Security Level 1 or 2
 - ii. Mental Health Code 0, 1 or 2
 - iii. 18-30 months to projected release
 - iv. No felony sex offenses
 - v. History of drug and/or alcohol abuse

- vi. Ability to read and write
- vii. IQ of 75 or higher
- b. Virginia Correctional Center for Women (VCCW) and Central Virginia Correctional Unit (CVCU) (females)
 - i. Security Level 1 or 2
 - ii. Mental Health Code 0/1 (CVCU) - Mental Health Code 0/1/2 (VCCW)
 - iii. 12- 30 months to projected release date (changed 1/16/14)
 - iv. No felony sex offenses
 - v. History of drug and/or alcohol abuse
 - vi. Ability to read and write
- c. Lawrenceville Correctional Center (LVCC) (males)
 - i. Security Level 3
 - ii. 18 to 36 months to projected release date
 - iii. History of drug and /or alcohol abuse
 - iv. Stable adjustment and at least 4 months infraction free
 - v. Ability to read and write
 - vi. Accepts only voluntary referrals

G. Sex Offender Residential Treatment Program (SORT)

1. Offenders determined as eligible for the Sex Offender Residential Treatment Program may be referred to the Director of the SORT Program by completion of the *Sex Offender Residential Treatment Program Referral* (See Operating Procedure 735.2, *Sex Offender Treatment Services (Institutions)*).
2. The Sort Treatment Team will review the referral for admission to the program.
3. Transfer arrangements for offenders accepted will be made by a member of the Sort Treatment Team through CCS Psychologist Senior or designee. CCS will have final authority for approval or disapproval of transfer.

H. Disciplinary/Enemy Transfers

1. Offenders may be referred administratively to the Institutional Classification Authority (ICA) for transfer consideration to another appropriate facility when the facility determines the offender is a threat to the secure and orderly operation of the facility due to disciplinary infractions or a documented enemy situation.
2. Offenders assigned to special housing for investigative purposes or pre-hearing detention should not be recommended for a transfer until the investigation is completed or the charge is heard. When the offender is assigned to segregation status, the ICA may recommend a transfer to a suitable facility (with documentation) or return the offender to the general population.

I. Steps to Achieve Reintegration (STAR) Program Transfers

1. Offenders in segregation who refuse assignment to general population due to an unspecific fear and not for a specific fear or threat, violent or aggressive behavior, or legitimate protective custody needs should be reviewed by the facility for transfer to the *Steps to Achieve Reintegration (STAR) Program*.
2. To recommend a transfer to the STAR Program, institutional staff shall prepare the [Offender Case Analysis for Steps to Achieve Reintegration \(STAR\) Program](#) 830_F5 for review and approval by the Facility Unit Head or designee.
3. A formal ICA Hearing shall be conducted in accordance with Operating Procedure 830.1, *Facility Classification Management* and submitted via VACORIS to CCS for review. The completed *Offender Case Analysis* must be uploaded as an external document and forwarded with the ICA recommendation for assignment to the *STAR* Program.

4. CCS will review each assignment to the *STAR Program*, and in VACORIS, escalate eligible offenders for review by the Facility Unit Head of the designated *STAR Program* institution and the Regional Operations Chief.
5. The Facility Unit Head and the Regional Operations Chief must approve the offender's admission into the *STAR Program* and will coordinate with Central Transportation to arrange transfer for offenders accepted into the program.

J. Population Management Transfers

1. CCS may administratively reassign offenders to other facilities within the same security level without an ICA Hearing for the purposes of managing the prison population.
2. CCS may assign offenders temporarily to facilities not on the same security level for purposes of interviews, courts, medical, psychological, security, special work assignments, etc. Transportation will be coordinated through the routine Central Transportation schedule if at all possible.
3. The Director of Offender Management Services has authorized specific parent host facilities to temporarily transfer eligible and suitable offenders to their adjacent Work Centers. The Facility Unit Head or designee must complete an [Intra-Regional Transfer Authorization](#) 050_F8 (see Operating Procedure 050.3, *Facility Release of Offenders*). The Transportation Supervisor shall be notified via telephone or e-mail and copies of the *Authorization* shall be forwarded to Central Transportation Services, the Facility Records Office, and the receiving Work Center prior to physical movement of the offender.

K. Emergency Transfers

1. In situations which require the immediate removal of an offender from a facility, CCS (during business hours) or the Regional Administrator or Regional Duty Officer (during non-working hours, holidays, and weekends) may authorize a temporary transfer to any equal or higher security level facility bed. These transfers will be in accordance with levels established in the Institutional Assignment Criteria. Such decisions may be made for security and health reasons only, and must conform to the definition of *Emergency Transfer* in Section III of this operating procedure.
2. Exception: The Director of Offender Management Services, has authorized all Work Centers to coordinate the temporary, emergency removal of offenders from their units with their parent host facility using an [Intra-Regional Transfer Authorization](#) 050_F8 (see Operating Procedure 050.3, *Facility Release of Offenders*). If the Facility Unit Head of the host facility accepts the offender for temporary transfer, no further authorization for transfer is necessary. The Transportation Supervisor shall be notified via telephone or e-mail immediately. All eligibility standards for emergency transfer and Institutional Classification Authority (ICA) hearing requirements of Operating Procedure 830.1, *Facility Classification Management*, apply.
3. Where possible, temporarily transferred offenders will be assigned to fill vacant beds and "swaps" of offenders will be utilized only as a last resort. All emergency transfers should be coordinated with the Central Transportation Supervisor. The Regional Administrator, or designee, should contact (email acceptable) the Central Transportation Supervisor the next business day after a temporary intra-regional transfer to confirm that their transfer presents no conflict with already committed beds.
4. All temporary, emergency transfer decisions are subject to review and approval by CCS. All Institutional Classification Authority (ICA) Hearing requirements of Operating Procedure 830.1, *Facility Classification Management*, shall be observed.
5. Offenders Eligible for Emergency Transfer:
 - a. An offender who cannot be safely controlled at the current facility pending standard reclassification due to disruptive or violent/aggressive infractions; the offender may not be assigned to a general population status at time of transfer.
 - b. An offender whose medical needs require immediate transfer to a facility with 24 hr. medical coverage, specialized medical equipment, or close proximity to a major medical facility.

6. Processing Temporary Emergency Transfers - (Normal Business Hours - 8:00 am - 5:00 p.m.):
 - a. The Facility Unit Head or the Assistant Facility Unit Head requesting a temporary transfer will contact CCS.
 - b. This facility administrator will provide a detailed written explanation of the rationale for the offender's assignment to segregation, the need for his/her immediate transfer from the current housing facility, and a recommendation of the level of security housing needed for the offender.
 - c. CCS will issue a *Temporary Reclassification* to affect the necessary transfer.
7. Processing Temporary Emergency Intra-Regional Transfers - (Non-Working Hours, Holidays, and Weekends):
 - a. The Regional Administrator or Regional Duty Officer will be responsible for determining the validity of need for immediate temporary transfer based on a Facility Unit Head (or Administrative Duty Officer if the Facility Unit Head is not available) request.
 - b. The Regional Administrator, or designee, will ensure the offender being transferred meets the established assignment criteria of the facility chosen to receive the offender and will ensure the sending facility completes a thorough records check for documented enemies prior to transfer to ensure that the temporary transfer will not place the offender in jeopardy.
 - c. The Regional Office shall maintain a permanent ledger or file of all temporary transfers approved at the regional level.
 - d. The Regional Administrator, or designee, will be responsible for ensuring facility compliance with Operating Procedure 830.1, *Facility Classification Management*.
 - e. The [*Intra-Regional Transfer Authorization*](#) 050_F8 (see Operating Procedure 050.3, *Facility Release of Offenders*), along with a detailed, written explanation of the need for temporary transfer from the offender's housing facility will be completed and distributed. Notification to the Central Transportation Section will be made by telephone and fax of the *Intra-Regional Transfer Authorization* by 9:00 AM on the following working day.
 - f. When a temporary transfer conflicts with a bed commitment, CCS will select an alternate location, where possible, on the first working day following the temporary move.
8. Responsibilities for Temporary Emergency Transfer:
 - a. Sending Facility's Responsibilities
 - i. The sending facility is to provide CCS or the Regional Administrator with clear, concise information regarding the need for a temporary transfer. A record enemy check will be conducted to ensure the offender has no documented enemies at the facility to which he is being sent.
 - ii. Institutional Classification Authority (ICA) Hearing will be conducted by the sending facility when the offender is being assigned to segregation status at the same time he is being temporarily transferred. When this is not possible, the sending facility will ensure at a minimum the following is accomplished prior to the physical move:
 - (a) Offender will receive and sign an *Institutional Classification Authority Hearing Notification*, per Operating Procedure 830.1, *Facility Classification Management* for assignment to segregation status, prior to transfer.
 - (b) The Reporting Officer will provide a signed written statement describing the pertinent facts and action(s) taken concerning the incident that prompted or resulted in the temporary transfer.
 - iii. The following documents are to be forwarded to the receiving facility with the offender's record at the time of transfer:
 - (a) *Institutional Classification Authority Hearing Report*, indicating the reason for transfer
 - (b) Reporting Officer's original written statement
 - (c) Any untried disciplinary infractions as well as the originals of any infractions
 - (d) *Disciplinary Hearing Reports* which are pending possible offender appeal action
 - (e) Other pertinent documents, statements and/or reports concerning the incident and/or

transfer (i.e. enemy lists or completed request sheets, ICA results)

b. Receiving Facility's Responsibilities

- i. The sending Facility Unit Head will apprise the receiving Facility Unit Head of the pertinent facts surrounding the case.
- ii. If an ICA was not conducted prior to the offender's physical transfer, the receiving facility will conduct an ICA Hearing within three working days. The ICA may address a temporary assignment pending the outcome of the investigation or disciplinary hearing or a permanent assignment for the offender, whichever is appropriate. If a temporary assignment is addressed by the ICA pending completion of an investigation or disciplinary action, an additional ICA hearing will be required to address the offender's permanent assignment.
- iii. The facility will ensure that all procedural safeguards are observed per applicable operating procedures.
- iv. The facility conducting the ICA Hearing will note in *Classification Action*:
 - (a) The fact that the offender was temporarily transferred
 - (b) The date of the transfer
 - (c) The location to and from which the offender was transferred
 - (d) The specific reason(s) for the temporary transfer and recommendations for facility assignment

c. Central Classification Services Responsibility

- i. The Manager of CCS, or designee, will determine the priorities when a temporary regional transfer conflicts with an earlier bed commitment.
 - ii. The Manager will advise the Transportation Supervisor to redirect offenders as deemed necessary and appropriate.
- d. All *Intra-Regional Transfer Authorizations* received in the Central Classification Services will be forwarded to the Transportation Supervisor who will maintain a log of all intra-regional transfers.
- e. CCS will review each *Classification Action* involving offenders who have been temporarily transferred intra-regionally. CCS will require the facility where the offender is housed to provide additional information for any *Classification Action* that does not specifically address the rationale for temporary transfer.
- f. CCS will ensure all necessary procedural safeguards are in place and will initiate final action in the case of each temporary transfer.

L. Medical and Mental Health Transfers

1. Temporary or permanent transfers for medical purposes will be coordinated by the Office of Health Services in accordance with Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*, and Operating Procedure 720.7, *Emergency Medical Equipment and Care*.
2. Transfers of offenders based on mental health problems will be handled through the CCS Psychologist Senior in accordance with Operating Procedure 730.3, *Mental Health Services: Levels of Service*.

M. Court Appearance Transfers

1. An offender summoned by Court order to appear in a Court may be housed in a local jail facility for court appearances. Offenders transferred to local jail facilities for Court purposes will be returned to the sending facility upon completion of their involvement in Court proceedings.
2. Where it is deemed necessary to transfer an offender from one facility to another to facilitate Court appearance in the absence of a Court order, the Facility Unit Head receiving verbal instructions from the Court (or the Attorney General's office) shall promptly notify the Director of Offender Management Services.
 - a. The Facility Unit Head will indicate the date of the scheduled Court appearance.
 - b. The Director of Offender Management Services, or designee will issue a temporary

reclassification order authorizing the necessary transfer to an appropriate facility.

- c. Upon completion of the Court appearance, the offender will be returned to the sending facility, if suitable.

N. Transfer to Other Regional Facilities for Special Housing

1. Facility Unit Heads may authorize the transfer of an offender to another facility's Special Housing Unit when the sending facility does not have adequate special housing resources.
2. In such cases, the offender is normally returned to the assigned facility upon return to General Population.
3. The Institutional Classification Authority will review offenders who, for security reasons, cannot be returned to their facility of assignment.

O. Corrections Construction Unit and Environmental Services Unit

1. Offenders desiring to be assigned to the Corrections Construction Unit (CCU) or the Environmental Services Unit (ESU) should send a letter to the Manager of the CCU or ESU listing their name, number, current location, and a brief listing of their training and skills that would be useful in the CCU or ESU.

Manager, Corrections Construction Unit
3600 Woods Way, Bld. 74
State Farm, VA 23160

Manager, Environment Services Unit
783 Prison Road
Boydton, VA 23917

2. The CCU Manager or ESU Manager will submit a request to Central Classification Services (CCS) with recommendations of appropriate candidates for assignment to CCU or ESU. The CCS will review each referral and determine approval/disapproval for CCU or ESU.
3. Type I "Unrestricted" Assignment
 - a. Offenders are permanently assigned to CCU or ESU.
 - b. Offenders may be transferred as needed by the CCU Manager or ESU Manager throughout the State to work sites for the period of time needed.
 - c. The CCU Manager or ESU Manager will coordinate with the Central Transportation Section for temporary assignments to other facilities.
 - d. Criteria
 - i. Security Level 1
 - ii. Outside Work Classification I, II, or III
 - iii. "A" Medical, and MH-0 or medically cleared for CCU or ESU
 - iv. Not Adult Basic Education Program eligible is preferred, but not required
 - v. Within 7 years of MPRD/GTRD
 - vi. No disciplinary convictions within the last 6 months
 - vii. No violent or assaultive current or prior offenses
4. Type 2 "Restricted" Assignment
 - a. Offenders are permanently assigned to CCU and housed at a designated facility.
 - b. Offenders are restricted to work under armed supervision or only for inside perimeter projects dependent upon the offender's work classification.

P. Transfer of Offender Records:

1. The institutional criminal record, including personal property, medical records, and any prescribed medication orders, shall accompany an offender on transfer to any DOC facility. NOTE: This does

not apply to temporary transfers to hospitals or to local jail facilities to facilitate court appearances.

2. The Records Office shall complete the [Interdepartmental Transfer Notice CA4 050_F9](#) (see Operating Procedure 050.3, *Facility Release of Offenders*) and attach it to the outside of the envelope containing the Institutional and Medical Records.
3. Facility Unit Heads of receiving facilities are not required to accept the custody of the offender without the complete institutional record.

Q. Offender Appeals - An offender may appeal any final classification decision through the Offender Grievance Procedure. The ICA recommendation and the final approval are one issue and cannot be grieved separately.

V. REFERENCES

Food Service Manual, Chapter 4, *Religious Diets/Common Fare Diets*

Operating Procedure 050.3, *Facility Release of Offenders*

Operating Procedure 425.4, *Management of Bed and Cell Assignments*

Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*

Operating Procedure 720.5, *Pharmacy Services*

Operating Procedure 720.7, *Emergency Medical Equipment and Care*

Operating Procedure 730.3, *Mental Health Services: Levels of Service*

Operating Procedure 735.2, *Sex Offender Treatment Services (Institutions)*

Operating Procedure 802.1, *Offender Personal Property*

Operating Procedure 830.1, *Facility Classification Management*

Operating Procedure 830.6, *Offender Keep Separate Management*

Operating Procedure 861.1 *Offender Discipline, Institutions*

Operating Procedure 861.3, *Special Housing*

VI. FORM CITATIONS

[Intra-Regional Transfer Authorization](#) 050_F8

[Interdepartmental Transfer Notice CA4](#) 050_F9

[Offender Work Release Agreement](#) 830_F2

[Offender Case Analysis for Steps to Achieve Reintegration \(STAR\) Program](#) 830_F5

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

Signature Copy on File

9/26/14

A. David Robinson, Chief of Corrections Operations

Date